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Criminal Law & Procedure, Sentencing

US v. Ramos-Gonzalez, No. 12-1610

In this case, defendant was convicted of possessing more than 500 grams of cocaine with intent to distribute and was given a 327-month sentence based on a career offender enhancement. The judgment is affirmed with respect to the conviction, but the case is remanded for resentencing without the career offender enhancement, where the district court incorrectly relied on defendant's Puerto Rico Penal Code Article 256 conviction (the use of violence or intimidation against a public official or employee) as a predicate offense to designate him as a career offender.